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Ruby Brother Files Request

Seeks to Be Appointed Estate Executor

DALLAS, Tex. (AP)—A brother of the late Jack Ruby sought Wednesday to have himself named sole executor of the Ruby estate, replacing the current executor, Jules F. Mayer, a Dallas attorney.

Earl Ruby filed a request with the Federal District Clerk asking also that the .38-caliber pistol Ruby used to kill Lee Harvey Oswald be given the National Archives.

Oswald, shot two days after the assassination of President John F. Kennedy here, was named by the Warren commission as the assassin. Ruby was convicted of killing Oswald; but his death sentence was overturned, and he was awaiting a second trial when he died Jan. 3 of cancer.

Earl Ruby based his request for an injunction against Mayer on a March 17 agreement in which he said that he, Mayer and a former deputy sheriff who guarded Jack Ruby agreed that Mayer would resign as executor and Ruby would seek the appointment.

He said other conditions of the contract were that Ruby and the deputy, Norman Hooten, would withdraw their challenges to the probation of the will and that Ruby would drop his suit to probate an oral will in a Wayne County, Mich., court.